

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JOHN K. GOODROW,

Plaintiff,

v.

Civil Action No.: 3:11CV020

FRIEDMAN & MACFADYEN, P.A., et al.

Defendants.

**DEFENDANTS' MOTION TO DISMISS PLAINTIFF'S AMENDED
COMPLAINT**

COMES NOW Defendants, Friedman & MacFadyen, P.A., and Johnie R. Muncy as Trustee (Defendants), by undersigned counsel, and moves to dismiss the Plaintiff's Amended Complaint pursuant to Rule 12(b)(6) as the Amended Complaint fails to state a claim upon which relief may be granted against the Defendants and fails to allege sufficient facts supporting the claims within said Amended Complaint. A memorandum in support of Defendants' position accompanies this motion.

WHEREFORE, Defendants respectfully request that the Court grant their Motion to Dismiss, and enter an Order dismissing all of Plaintiff's claims with prejudice, and award Defendants their costs, including reasonable attorney's fees incurred in defending this action.

Respectfully Submitted,

Friedman & MacFadyen, P.A.,
And Johnie R. Muncy as Trustee,
By Counsel

By: /s/ Andrew T. Rich
Andrew T. Rich, Esq., VSB #74296
Friedman & MacFadyen, P.A.
Surry Building, Suite 125
1601 Rolling Hills Drive
Richmond, Virginia 23229
(804)288-0088 phone
(804)288-0052 fax
trich@fmlaw.com
Counsel for Defendants

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of March, 2011, copies of Defendants' Motion to Dismiss Plaintiff's Amended Complaint, and Memorandum in Support of Defendants' Motion to Dismiss Plaintiff's Amended Complaint were electronically filed in this case and were mailed, postage prepaid, to:

Leonard Anthony Bennett, Esquire
Consumer Litigation Assoc PC
12515 Warwick Blvd
Suite 100
Newport News, VA 23606

Matthew James Erausquin, Esquire
Consumer Litigation Associates PC
1800 Diagonal Road
Suite 600
Alexandria, VA 22314

Kristi Cahoon Kelly, Esquire
Surovell Isaacs Petersen & Levy PLC
4010 University Dr
Suite 200
Fairfax, VA 22030

John Chapman Petersen, Esquire
Surovell Isaacs Petersen & Levy PLC
4010 University Dr
Suite 200
Fairfax, VA 22030

Dale Wood Pittman, Esquire
The Law Office of Dale W. Pittman, P.C.
112-A W Tabb St
Petersburg, VA 23803-3212